

## REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Claims 17, 22-23 and 25-35 have been canceled. Claim 18 has been amended. No new matter has been added as a result of this amendment.

### Claim Rejections – 35 U.S.C. Section 112, Second Paragraph

Claim 18 was rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. Applicant has amended claim 18 to remove this indefinite rejection. Therefore, this rejection is now believed to be moot and should be withdrawn.

### Claim Rejections – 35 U.S.C. Section 112, First Paragraph

Claims 17, 22, 23 and 25-35 were rejected under 35 U.S.C. Section 112, first paragraph as not being described in the specification in such a way to reasonably convey to one skilled in the art that at the time the application was filed that the inventor had possession of the invention. Applicant respectfully traverses this rejection.

While Applicant vigorously disagrees with this rejection, in order to expedite prosecution, claims 17, 22-23 and 25-35 have been deleted. Therefore, this rejection has now been rendered moot and should be withdrawn.

### Claim Rejections – 35 U.S.C. Section 102/103

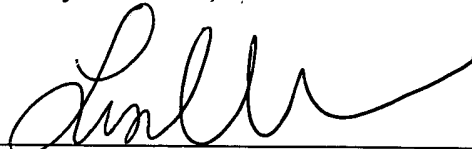
Claim 28 is rejected under 35 U.S.C. Section 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. Section 103(a) as obvious over PanAmerican Seed (Xanthophyll Marigolds). While Applicant vigorously disagrees with this rejection, in order to expedite prosecution, claim 28 has been deleted. Therefore, this rejection is now moot and should be withdrawn.

In view of the foregoing, Applicant submits that the claims are in connection for allowance.

If any additional fees are incurred as the result of the filing of this paper,  
authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this Amendment is being deposited with the United States  
Postal Service with sufficient postage as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on  
December 16, 2003.

